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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 EQUAL EMPLOYMENT  
 11 OPPORTUNITY COMMISSION,

12 Plaintiff,  
 13 v.

14 GEORGIA-PACIFIC LLC,

15 Defendant.

16 C 07 3944  
 17 CIVIL ACTION NO.

18 COMPLAINT- CIVIL RIGHTS  
 19 EMPLOYMENT DISCRIMINATION  
 20 (42 U.S.C. §§ 2000e, *et seq.*)

21 JURY TRIAL DEMAND

22 NATURE OF THE ACTION

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 24 This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of  
 25 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and  
 26 to provide appropriate relief to Charging Party Janet Stege who was adversely affected by such  
 27 practices. The Commission alleges that Ms. Stege was unlawfully denied a reasonable  
 28 accommodation of her disability, Fibromyalgia.

29 JURISDICTION AND VENUE

30 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and  
 31 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with  
 32 Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Section

33  
 34 COMPLAINT

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1)  
2 and (3) and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

3 2. The employment practices alleged to be unlawful were and are now being committed within  
4 the state of California, County of Alameda, City of San Leandro which is within the jurisdiction of  
5 this court.

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7 **INTRADISTRICT ASSIGNMENT**

8 3. This action is appropriate for assignment to San Francisco/Oakland because the unlawful  
9 employment practices alleged were and are being committed in Alameda County.

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11 **PARTIES**

12 4. Plaintiff, the Equal Employment Opportunity Commission (EEOC), is the agency of the  
13 United States of America charged with the administration, interpretation, and enforcement of Title I  
14 of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C.  
15 § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C.  
16 §2000e-5(f)(1) and (3).

17 5. At all relevant times, Defendant Georgia-Pacific LLC has continuously been a Delaware  
18 Limited Liability Company, doing business in the State of California, in the County of Alameda, and  
19 has continuously had at least fifteen employees.

20 6. At all relevant times, Defendant Georgia-Pacific LLC has continuously been an employer  
21 engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. § 12111(5),  
22 and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference Sections  
23 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

24 7. At all relevant times, Defendant Georgia-Pacific LLC has been a covered entity under  
25 Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

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## **STATEMENT OF CLAIMS**

8. More than thirty days prior to the institution of this lawsuit, Charging Party Janet Stege filed a charge with the EEOC alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least April of 2004, Defendant has engaged in unlawful employment practices at its San Leandro, California facility in violation of Section 102(a) and (b)(5)(A) of the ADA, 42 U.S.C. § 12112(a) and (b)(5)(A). Specifically, Defendant refused to provide a reasonable accommodation to Ms. Stege based on her disability, Fibromyalgia.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Ms. Stege of equal employment opportunities and otherwise to adversely affect her status as an employee because of her disability.

11. The unlawful employment practices complained of in paragraph 9 above were and are intentional.

12. The unlawful employment practices complained of in paragraph 9 above were and are done with malice and/or reckless indifference to the federally protected rights of Ms. Stege.

### **PRAYER FOR RELIEF**

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Stege, by providing appropriate lost income with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

## COMPLAINT

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interest.

H. Award the EEOC its costs in this action.

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## JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

RONALD COOPER  
General Counsel

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July 31, 2007

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